IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6265 of 2007()

CP.46/2007 of J.M.F.C.-II, CHERTHALA
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(IN CRIME NO.462/06 OF AROOR POLICE STATION)

PETITIONER/2ND ACCUSED:

RUGMINI, D/O.KUTTY, AGED 65,
CHIRAYIL HOUSE, AROOR VILLAGE, AROOR MURI,
CHERTHALA TALUK, ALAPPUZHA DISTRICT.

BY ADV. DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SRI.BABU.EAU

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY**
   THE HOME SECRETARY, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE SUB INSPECTOR OF POLICE,**
   AROOR, BOTH RESPONDENTS ARE REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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B.A.No.6265 of 2007

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Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under Sections 498A and 308 IPC. The petitioner is a parental aunt of the husband of the de facto complainant. The crux of the allegations is that the accused persons including the petitioner were guilty of matrimonial cruelty against the de facto complainant. There is an allegation that kerosine was forcibly administered to the de facto complainant. The petitioner prays that directions under Section 438 Cr.P.C may be issued.

2. The learned Public Prosecutor on instructions submits that the investigation is complete. Final report has already been filed. Cognizance has been taken. Committal proceedings has been registered. The petitioner must appear before the learned Magistrate and seek regular bail, it is submitted.

3. I find the said opposition by the learned Public Prosecutor to be sustainable. The petitioner must appear before the learned Magistrate and seek regular bail. The mere fact that the allegations under Sec.308 IPC are also raised, I may hasten to observe cannot absolve the learned Magistrate of the duty , powers and obligation to consider the application for

regular bail on merits under Sec.437 Cr.P.C.

4. In the result, this petition is dismissed with the observation that if the petitioner surrenders before the learned Magistrate and seek regular bail, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously- on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE